

2008R01464/am & jwr

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
v. : Criminal No. 10-328
PATRICK JAMES BRENNAN : Title 29, United States Code,
Section 501(c), and
Title 18, United States Code,
Section 2

I N F O R M A T I O N

The defendant having waived in open court prosecution by Indictment and any defense based on the statute of limitations, the United States Attorney for the District of New Jersey charges:

COUNT ONE

(Embezzlement from District Council 711-Credit Card Purchases)

Background

1. At all times relevant to this Information:

The Defendant and Other Parties

a. District Council 711 (hereinafter "DC 711") of the International Union of Painters and Allied Trades (hereinafter the "International"), headquartered in Egg Harbor Township, New Jersey, was a "labor organization" as that term is defined in Title 29, United States Code, Sections 142(3), 152(5), 402(i) and (j). DC 711 was an umbrella organization comprised of several local unions located in New Jersey that represented, sought to represent, and would have admitted to membership painters, drywall finishers, and sign makers, among other trades.

b. Defendant PATRICK JAMES BRENNAN was DC 711's elected Business Manager and Secretary Treasurer and, as its most senior officer, was responsible for conducting the day-to-day operations of DC 711. DC 711 issued defendant PATRICK JAMES BRENNAN an American Express credit card (hereinafter "DC 711 Credit Card") to purchase items and services necessary and proper to conduct union business. The DC 711 Credit Card earned membership rewards points, which points were assets of the union. DC 711 paid the expenses incurred on this credit card with checks drawn on a bank account belonging to DC 711 and maintained at a financial institution in Atlantic County, New Jersey (hereinafter the "DC 711 Account"). Defendant PATRICK JAMES BRENNAN was a signatory on this account.

c. In accordance with DC 711's by-laws, DC 711 maintained an executive board comprised of three trustees who were charged with reviewing and approving the expenditure of DC 711's money and the disposition of its property.

2. Defendant PATRICK JAMES BRENNAN, as an officer and employee of DC 711, occupied a position of trust and was a fiduciary to DC 711 and its members as a group under Title 29, United States Code, Section 501(a). As such, defendant PATRICK JAMES BRENNAN was required to use DC 711's funds and property only in accordance with the International's constitution and DC 711's by-laws and only for official union purposes.

The Embezzlement Scheme

3. Contrary to DC 711's by-laws, without authorization, and in derogation of his fiduciary duties to DC 711 and its members as a group, defendant PATRICK JAMES BRENNAN (a) used the DC 711 Credit Card and its corresponding membership rewards points to purchase items and services for his personal use and benefit and the personal use and benefit of others; (b) concealed certain material facts concerning these purchases from DC 711's trustees; and (c) caused DC 711 to issue checks drawn on the DC 711 Account to pay for personal charges, as follows:

Approximate Date Paid	Expense / Charge on DC 711 Credit Card	Approximate Amount
October 14, 2005	Delta Airlines Flights Philadelphia, Pennsylvania to Honolulu, Hawaii for defendant PATRICK JAMES BRENNAN's three children and babysitter (and return flights)	\$2,718.52
March 10, 2006	Spirit Airlines Flights Fort Lauderdale, Florida to Atlantic City, New Jersey for defendant PATRICK JAMES BRENNAN's wife	\$556
February 9, 2007	AER Lingus Boston, Massachusetts to Shannon, Ireland for defendant PATRICK JAMES BRENNAN and his wife (and return flights)	\$1,587.60

4. From on or about October 14, 2005 to on or about February 9, 2007, in Atlantic County, in the District of New Jersey and elsewhere, defendant

PATRICK JAMES BRENNAN,

while an officer and employee of DC 711, namely, Business Manager and Secretary Treasurer, a labor organization engaged in an industry affecting commerce, embezzled, stole, and unlawfully and willfully abstracted and converted to his use and the use of others, money, funds, securities, property, and other assets of DC 711, as described in Paragraph 3 of this Count.

In violation of Title 29, United States Code, Section 501(c) and Title 18, United States Code, Section 2.

COUNT TWO

(Embezzlement from District Council 711-Union Vehicle)

1. The allegations set forth in Paragraphs 1 and 2 of Count One of this Information are hereby realleged as if set forth fully herein.

2. In or about June 2006, contrary to DC 711's by-laws, without authorization, and in derogation of his fiduciary duties to DC 711 and its members as a group, defendant PATRICK JAMES BRENNAN gave a union car, namely, a 2004 Mercury Grand Marquis, to a family member without requiring payment. The car had an approximate wholesale value of \$11,200 at the time of the transfer.

3. In or about June 2006, in Atlantic County, in the District of New Jersey and elsewhere, defendant

PATRICK JAMES BRENNAN, while an officer and employee of DC 711, namely, Business Manager and Secretary Treasurer, a labor organization engaged in an industry affecting commerce, embezzled, stole, and unlawfully and willfully abstracted and converted to his use and the use of others, money, funds, securities, property, and other assets of DC 711, namely, 2004 Mercury Grand Marquis, as described in Paragraph 2 above of Count Two.

In violation of Title 29, United States Code, Section 501(c) and Title 18, United States Code, Section 2.

COUNT THREE
(Embezzlement from District Council 711-
Unauthorized Holiday Bonuses)

1. The allegations set forth in Paragraphs 1 and 2 of Count One of this Information are hereby realleged as if set forth fully herein.

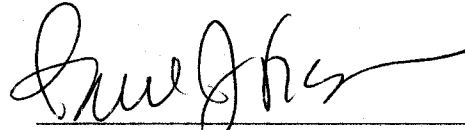
2. On or about December 22, 2004, December 27, 2005, and December 14, 2006, defendant PATRICK JAMES BRENNAN, contrary to DC 711's by-laws, without authorization, and in derogation of his fiduciary duties to DC 711 and its members as a group, issued himself a holiday bonus check in each year. Each check was drawn on the DC 711 Account and signed by defendant PATRICK JAMES BRENNAN. In total, defendant PATRICK JAMES BRENNAN embezzled approximately \$8,652 in unauthorized holiday bonuses from DC 711.

3. On or about December 22, 2004, December 27, 2005, and December 14, 2006, in Atlantic County, in the District of New Jersey and elsewhere, defendant

PATRICK JAMES BRENNAN,

while an officer and employee of DC 711, namely, Business Manager and Secretary Treasurer, a labor organization engaged in an industry affecting commerce, embezzled, stole, and unlawfully and willfully abstracted and converted to his use and the use of others, money, funds, securities, property, and other assets of DC 711, namely, money belonging to DC 711, as described in Paragraph 2 above of Count Three.

In violation of Title 29, United States Code, Section
501(c) and Title 18, United States Code, Section 2.

A handwritten signature in black ink, appearing to read "Paul J. Fishman", written over a horizontal line.

PAUL J. FISHMAN
United States Attorney

CASE NUMBER: _____

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

JAMES PATRICK BRENNAN

INFORMATION FOR

Title 29, United States Code, Section 501(c)
Title 18, United States Code, Section 2

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